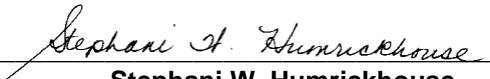


SO ORDERED.

SIGNED this 28 day of April, 2010.


Stephani W. Humrickhouse
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

In Re:

Brenda Gale Mcconney

Case No. 09-10744-8-SWH

Chapter 13

Social Security No. xxx-xx-2826
Address: 120 Mangums Drive, Wendell NC 27591-

Debtor

**ORDER AVOIDING JUDICIAL LIEN OF JERSEY RICHARDSON HOLDEN
PURSUANT TO 11 U.S.C. § 522(f)**

THIS CHAPTER 7 CASE is before the Court for consideration of a motion filed by the Debtor to avoid a judicial lien pursuant to U.S.C. § 522(f) of the Bankruptcy Code; and having considered the motion and the other matters of record in this case, the Court finds and concludes as follows:

1. That the Motion to Avoid Judicial Lien was duly served on all parties in interest, and that the time for objecting to the relief requested has expired without any objections being filed; and
2. The Debtor is now, and has been at all times since this case was filed, the owner of real property (hereinafter "said property") now or formerly known as 120 Mangums Drive Wendell, NC 27591 located in the County of Wake .
3. That said property had a value of \$90,000.00, as of the date this bankruptcy case was filed; and
4. That Debtor has claimed and was entitled to claim an exemption in said property pursuant to a permissible combination of N.C.G.S. § 1C-1601(a)(1) and (a)(2) of not more than \$33,320.00; and
5. That Jersey Richardson Holden holds a judicial lien recorded on 10/8/09 in the Wake County, as referenced in file number 08 CVS 002334, in the amount of approximately \$100,000.00, plus interest at the rate of 8.00 percent per annum. That, upon information and belief, the balance owing to said creditor concerning said judicial lien, together with interest, as of the date this case was filed, was approximately \$108,021.92; and

6. That said judicial lien constitutes a lien upon said real property; and
7. That, as of the date this case was filed, the only other liens against the property recorded in Wake County were the following:

Name of Creditor Holding Lien	Type of Lien	Payoff Amount of Lien
Gmac Mortgage	Deed of Trust	\$61,752.00
Total Amount Of Other Liens:		\$61,752.00

8. That since the sum of: (1) The amount of the said judicial lien held by Jersey Richardson Holden, (2) The total amount of all other said liens on the said real property, plus (3) The amount of the exemption that the Debtor were entitled to claim if there were no liens on the property, exceeds the value of the real property (or, in the event that the Debtor own less than a 100% interest in said real property, the value of the Debtor's interest in said property) by \$113,093.92, the said judicial lien impairs an exemption of the Debtor; and
9. That, therefore, pursuant to U.S.C. § 522(f)(2)(A), the judicial lien is avoidable to the full extent of said judicial lien.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. That said judicial lien held by Jersey Richardson Holden, recorded in the Wake County, as referenced in file number 08 CVS 002334, is hereby avoided to the full extent of said judicial lien as to said real property; and that said judgment shall have no further force or effect as to said real property; and
2. Furthermore, upon this Court entering an Order of discharge of the Debtor, or of an Order approving the sale of said real property, as the case may be, said judicial lien held by Jersey Richardson Holden shall be deemed cancelled-of-record in its entirety, and by virtue of such avoidance, said judicial lien is reduced to \$0.00; and
3. That, at such time, in accordance with the requirements of N.C.G.S. §47-29, the Register of Deeds for the County of Wake, North Carolina, may record in the office of said Register of Deeds a copy of this order avoiding said judicial lien, together with a copy of the discharge order issued in this bankruptcy case or the order approving sale of the property, as the case may be, upon being presented with certified copies thereof..

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